88-101

No.

Supreme Court, U.S.
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In the

SUPREME COURT OF THE UNITED STATES

Spring Term, 1988

LEROY J. BLACKWELDER,

Petitioner,

vs.

COMMONWEALTH OF VIRGINIA,

Respondent,

PETITION FOR WRIT OF CERTIORARI TO

THE SUPREME COURT OF VIRGINIA

Leroy J. Blackwelder
Petitioner, Pro Se
1030 S. Barton Street, #282
Arlington, Virginia 22204

## PREFACE - Clues to the Jigsaw Puzzle

The facts were there all the time, I just didn't know how to say it.

I had the will but could not find the way.

Now a message comes from the blue at 6:00 A.M. July 15, 1988.

Start at 4:20 P.M. on January 4, 1986. Dorothy Ford passed Sheriff John Isom standing in his driveway on Route 733, Loudoun County, Virginia.

One minute later or 250 yards down the road, west of Sheriff Isom's driveway, Deputy Sheriff Shellhammer stopped Dorothy Ford to question her about Leroy Blackwelder and so forth.

Five minutes later Sheriff John Isom drove up behind Dorothy Ford's car and got out to talk to her.

Therefore, Deputy Sheriff Shellhammer, Dorothy Ford, and Sheriff John Isom were all together on Route 733 talking and looking for Leroy J. Blackwelder.

Now to put this jigsaw puzzle together, it is necessary to fit Sheriff Isom's testimony in with Dorothy Ford's testimony and Deputy Sheriff Shellhammer's testimony in a way that fits the time element in with the direction that Dorothy Ford was going and the fact that she was there on Route 733 from 3:30 P.M. January 4, 1986, until 3:00 A.M. January 5, 1986, looking to pick up Leroy J. Blackwelder not let him out to go hunting as Sheriff Isom said that Edna Cross said.

Therefore, this proves that the only way to solve this jigsaw puzzle is to keep in mind that Dorothy Ford was there at that time to pick up Leroy Blackwelder.

Also, Sheriff Isom and Deputy Sheriff Shellhammer were there at that time to find Leroy Blackwelder and make a charge against him.

Also, Edna Cross and another woman had been following Dorothy Ford up and down Route 733 since 3:30 P.M. on January 4, 1986, to

assist Sheriff Isom in finding Leroy Blackwelder.

Also, Sheriff Isom testified, on pages 29 and 30 of the transcript, that he drove down to the bottom of the hill from his house to Route 733 and talked to Edna Cross at 4:25 P.M. This was a few minutes before Dorothy Ford drove by and saw Sheriff Isom standing in his driveway where it intersects Route 733.

On page 51, Leroy Blackwelder asked Sheriff Isom: "Where did you first see Dorothy Ford on January 4, 1986?"

Sheriff Isom said, "I think I...let's see. Mrs. Ford passed me as I was standing in my driveway headed in a westerly direction."

Blackwelder Q: "What time was it?"

Isom A: "4:20."

Blackwelder Q: "4:20?"

Isom A: "P.M., yes."

Blackwelder Q: "4:20. Did you write that down?"

Isom A: "No, sir."

Blackwelder Q: "Not before 4:20?"

Isom A: "No, sir."

Blackwelder Q: "What makes you think it was 4:20?"

Isom A: "I made note that it was."

Blackwelder Q: "So you first saw her at 4:20."

Isom A: "Yes sir."

COMMENT: So now, we have Dorothy Ford passing Sheriff Isom, in her car, while he was standing in his driveway at 4:20 P.M. on January 4, 1986, and to prove the jigsaw puzzle it is necessary to keep in mind that the direction in which Dorothy Ford was going and the time element is extremely important, otherwise the jigsaw puzzle does not go together and you have a mixed up picture in your mind about who's telling the truth, and about how could Blackwelder be getting out of Dorothy Ford's car at 4:00 P.M, putting on hunting clothes to go hunting -- well it just couldn't be that way.

On page 52, Blackwelder asked Sheriff Isom, Q: "Then what happened?"

Sheriff Isom A: "Then I went down across the creek with my rifle and looked up through the woods and saw you (Blackwelder).

Blackwelder Q: "You went down in the woods and you looked at me through the trees, right?"

Isom A: "Yes sir."

Blackwelder Q: "Did you see Dorothy Ford and me going?"

Isom A: "Yes sir."

Blackwelder Q: "When? How long after?"

Isom A: "16:45 (4:45)."

Blackwelder Q: "Give me clock time."

Isom A: "4:45 P.M."

COMMENT: Sheriff Isom's testimony is confusing and conflicting from pages 39 through the balance of Blackwelder's cross examination of him. But it should be clear that Sheriff Isom could not have done all the things he said he did between the time that Dorothy Ford passed

him at 4:20 P.M. on January 4, 1986, and the time that he drove up behind Dorothy Ford's car about 5 minutes later where she was talking to Deputy Sheriff Shellhammer at about 4:25 to 4:30 P.M.

I want to believe Sheriff Isom as a matter of policy and principle, but his testimony won't fit in the jigsaw puzzle with his own prior testimony, or with what Dorothy Ford says, or with what Deputy Sheriff Shellhammer says.

For example, Deputy Sheriff Shellhammer said on page 88 of the transcript, that Dorothy Ford was headed towards route 734 traveling on 733. To make the point clear, Blackwelder asked Shellhammer if Dorothy was headed away from Route 15, to which Shellhammer answered, "Away from Route 15, yes." Which means that Dorothy was traveling <u>west</u> on Route 733.

On page 112 on the transcript, Blackwelder asked Dorothy Ford, "Can you remember what direction Sheriff Isom said your car was headed

in when he came to your car?" Dorothy Ford answered, "Well, he did...he made a mistake. I was headed west and Mr. Shellhammer was headed east."

Blackwelder Q: "What did Sheriff Isom say?"

Dorothy A: "Just the reverse."

Another example is that Sheriff Isom said that he walked up to Dorothy Ford's car from the woods to talk to her, whereas, Deputy Shellhammer and Dorothy Ford said that Sheriff Isom drove up behind Dorothy Ford's car.

On page 90, Blackwelder Q: "Did Sheriff Isom drive his car up behind Dorothy Ford's car?"

Shellhammer A: "Yes sir."

Blackwelder Q: "He didn't walk up from down in the woods?"

Shellhammer A: "Not to the best of my recollection. I belie...he had his car there."

On page 91, Blackwelder Q: "Let me ask you these questions, did Sheriff Isom tell

Dorothy Ford that he saw Leroy Blackwelder trespassing on his property.

Shellhammer A: "Yes, sir, I believe so, yes."

On page 92, Blackwelder Q: "Did I ask you how long it was after you and Dorothy Ford stopped in the road that Sheriff Isom came up? How long was it...how long had you been there before Sheriff Isom came up?"

Shellhammer A: "3 to 5 minutes; maybe a little longer."

There is really no way to reconcile Sheriff Isom's testimony with the time element, the direction, or with the testimony of Deputy Shellhammer and Dorothy Ford, or with the fact that Edna Cross and Jim Cross do not even live in this area.

## QUESTIONS PRESENTED FOR REVIEW

1. Was Petitioner deprived of a fair trial when the trial court permitted Sheriff John Isom to give hearsay testimony that was false on its face and made up by Sheriff Isom and Edna Cross? (See page 29 and many other pages in Sheriff Isom's testimony)
2. Was Petitioner deprived of a fair trial when Petitioner told the Court that Sheriff Isom was not telling the truth? Also, was it fair for the Court to scold Petitioner and help Sheriff Isom in all the false statements he was giving -- some hearsay and some his own? (See pages 40, 41, 42, and 43)
3. Was the evidence clear beyond a reasonable doubt that Sheriff John Isom saw the Petitioner in dense, dark woods on January 4, 1986 between 4:30 P.M. and 4:55 P.M. at a distance of a 100 yards or so? (See pages 29 through 33, and pages 45 through 48)
4. Was the Court and the Commonwealth swayed

by all the false hearsay testimony given by Sheriff Isom?

5. Was there any doubt that Dorothy Ford let Petitioner out of her car between noon and 1:00 P.M. on January 4, 1986 to go into the woods and help a hunter carry a deer out that he had shot the day before?

6. Was there any doubt that Petitioner told Dorothy Ford to be back on Route 733 along Goose Creek to pick him up between 3:30 P.M. and 5:30 P.M.?

7. Was there any doubt whatsoever that Sheriff John Isom and his neighbors, Jim Cross and Edna Cross, did not see your Petitioner getting out of Dorothy Ford's car on Route 733 at about 4:00 P.M. on January 4, 1986 to go hunting? Is it possible that any reader of the transcript can fail to realize that Dorothy Ford was there in her car from 3:30 P.M. on January 4, 1986 until 3:00 A.M., January 5, 1986 to pick up your Petitioner, Leroy J. Blackwelder, to take him home -- not let him out to go hunting?

Can't you see that the hunt was over and your Petitioner was simply helping another hunter get his deer out of the woods that he killed the day before? (See pages 29, 30, 31, 32, and 33 questions by Commonwealth Attorney... See pages 45 and 46 questions by Leroy Blackwelder.)

The significant point is that Petitioner, Leroy J. Blackwelder, would not be riding in Dorothy Ford's car with her at 4:00 P.M. if she was trying to find him to pick him up at that time. Keep in mind that Dorothy let Leroy J. Blackwelder out of her car that day between noon and 1:00 P.M.; therefore, Dorothy did not go back there at 3:30 P.M. with Petitioner in her car because he was helping a hunter carry a big deer out of the woods at that time.

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The issue in this case is mistaken identity and false statements and false hearsay statements, given by Sheriff Isom on the witness stand. Therefore, Petitioner is

trying to prove to the court that Sheriff John Isom and his neighbors, Edna Cross and Jim Cross, did not see Leroy J. Blackwelder getting out of Dorothy Ford's car to go hunting at 4:00 P.M. on January 4, 1986.

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Another significant point is that Dorothy was going east on Route 733 at 3:30 P.M. on January 4, 1986 when she saw Edna Cross and another woman drive out of Sheriff Isom's driveway and go east in front of Dorothy Ford. These two women followed Dorothy east and west on Route 733 until about 4:15 P.M. Sheriff Isom appeared at the end of his driveway at Route 733 at 4:18 P.M. Dorothy Ford, going west, passed Sheriff Isom standing in his driveway at 4:20 P.M. (See page 51)

Dorothy Ford certainly did not see Petitioner after 1:00 P.M., January 4, 1986, therefore, this shows that Edna and Jim Cross did not see Petitioner getting out of Dorothy Ford's car at 4:00 P.M.,

January 4, 1986. And of this there is no doubt.

See the bottom of page 45 and the top of page 46:

Sheriff Isom said, "I'm saying that the neighbor saw you trying to be dropped out of the car. Exactly what she said was you were outside of the car putting on hunting clothes when they came out the first time. She went back up to her house and got her husband, who came down and sat there until you drove away, until you and Mrs. Ford left, along with the other person." (Edna Cross and Jim Cross do not even live where this took place, they live 20 miles away.)

Blackwelder said: "Well, what I'm asking you is, didn't you just say awhile ago that that neighbor chased me off and I went down to your land?"

Isom said: "As they phrased it, they chased you off, yes."

Blackwelder: "Who's that?"

Isom: "That was Mrs. Edna Cross."

Blackwelder: "Edna Cross? Is that what you said?"

Isom: "Yes."

Blackwelder: "Would she be the wife of Jim Cross?

Isom: "Yes, sir."

Therefore, the Crosses could not have seen Leroy Blackwelder riding in the car with Dorothy Ford on January 4, 1986 around 4:00 P.M. If the Court will note, the detail of this total falsehood given by Sheriff Isom they will be able to understand how dumbfounded Petitioner was when he heard Sheriff Isom make up and give such totally false testimony, under oath, from the witness stand, in an effort to convict a 74-year-old man of trespassing in a densely wooded area -- I couldn't believe it myself. Therefore, I can understand how other people have so much difficulty grasping the point that Sheriff Isom would go to such extreme as this and try to cover

himself by saying Edna Cross said it, not him. If the Court has any doubt whatsoever, I would like to have the opportunity to prove beyond doubt that not only this testimony but a number of others were totally and completely false and I believe made up by Isom and not Jim Cross or Edna Cross. But since I'm not sure of that, I would like to have a new trial and bring Jim Cross and Edna Cross to the witness stand.

This case should not stop at the Supreme Court. It can be proven beyond doubt that Sheriff Isom was not telling the truth and it is terrible for a policeman or a sheriff to go to such extreme over a trivial matter like this -- a 74-year-old man helping a 24-year-old hunter get his deer out of the woods on January 4, 1986, harming nobody. It's absolutely ridiculous, but I do not want to sound out of balance, I just want the Supreme Court to know that I do put much importance on

the rule "Thou shalt not bear false witness against thy neighbor," and especially a sheriff under oath trying to convict.

Knowing the whole situation and studying the transcript and considering the fact that Sheriff Isom was on the attack, over emphasizing and magnifying and was "hot" under the collar. (On page 106, Dorothy Ford said, "After Sheriff Isom left, Mr. Shellhammer told me that if I did locate Mr. Blackwelder that day not to contact the Sheriff until Monday; give him time to cool down.") It appears that Sheriff Isom was giving false hearsay testimony that he <u>manufactured himself</u> for the purpose of trying to make the Court believe that Leroy Blackwelder was seen riding in the car with Dorothy Ford at about 4:00 P.M., January 4, 1986, because that would help his case if the Court believed Edna and Jim Cross saw Leroy Blackwelder at 4:00 P.M. also.

Consider the fact that Sheriff Isom had a walkie-talkie radio in his hand standing in his driveway giving orders to his troops; having Edna Cross and another woman follow Dorothy Ford up and down the road for 45 minutes or so, and Deputy Sheriff Shellhammer stopping Dorothy Ford and questioning her -- twice!

This indicates Sheriff Isom is not balanced emotionally and is making mountains out of nothing.

Why didn't Sheriff Isom have Edna Cross and Jim Cross at the trial to testify in the first place?!! (I know why, it's because what he's saying is not true and Edna Cross won't get on the witness stand and say that she saw Leroy Blackwelder on January 4, 1986 at 4:00 P.M.)

Why didn't the judge and the Commonwealth Attorney object to all the hearsay testimony Isom gave? (I know why, they wanted to help the sheriff convict Leroy J. Blackwelder and make him afraid to

hunt and fish along Goose Creek where he has permission.)

They objected to Blackwelder when he gave a little hearsay testimony and they interrupted Blackwelder unnecessarily when Blackwelder was trying to show that Sheriff Isom was not telling the truth. (See pages 41, 42, and 43)

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"Thou shalt not bear false witness against thy neighbor."

Petitioner humbly states that of all his experiences and learning in life, all rules and religions are based on "Love thy neighbor as thyself," and for goodness sakes don't make up a lot of stuff that's not true for the purpose of trying to run a 74-year-old man away from places that he has a right to fish and hunt, and has done so pleasantly for 52 years without hurting anyone.

## STATEMENT OF THE CASE

Petitioner apologizes for his lack of ability to write up this case in a way that is easy to understand. Petitioner has no malice towards Sheriff Isom or any other person involved in this case. Petitioner also wants to let the Court know that he is not trying to avoid spending 30 days in jail, or more, that is not the major point -- there is something within the Petitioner that makes him try and try again to find a way to tell his fellow man that Sheriff Isom is simply not telling the truth, in spirit or substance all through this case. Petitioner feels a strong duty to get this message over to the highest court of our land for no particular reason other than that Petitioner thinks that false statements to convict a person of a crime is similar to cancer -- it spreads throughout the human race and is destructive, demoralizing and harmful, no matter how you look at it.

On pages 40, 41, 42 and 43 the transcript shows that Sheriff Isom was on a vicious,

rambling hearsay attack. On page 42, Petitioner said, "I agree with you -- all I'm trying to do is prove to the Court that he is not telling the truth." The Court said, "Well we're not going to stand here and hear accusations of that sort." The Petitioner was simply trying to point out to the Court, in a calm and thoughtful way, that Sheriff Isom was giving hearsay testimony that was all mixed up and not correct in fact.)

Petitioner is trying to show the Court that Sheriff Isom first said to Dorothy Ford and Leroy Blackwelder in his office on January 6, 1986, that he saw Leroy Blackwelder across Goose Creek and Blackwelder had a gun. Dorothy Ford interrupted and said, "Let me answer that. Mr. Blackwelder did <u>not</u> have a gun. His gun was in the trunk of my car. I opened the trunk that morning myself and Mr. Blackwelder put his gun in the trunk of my car." On page 71 Blackwelder asked Isom, "Do you know what I'm talking about? I'm talking about when Dorothy said, 'Let me answer that. Leroy did not have

a gun on January 4, 1986, his gun was in the trunk of my car.' "Do you remember that?"

Isom said, "Yes, I do."

The main point here is that Sheriff Isom saw a person on the south side of Goose Creek with a gun. Petitioner did not have a gun, he was carrying a deer out of the woods. Therefore, Sheriff Isom made a mistake in identity, he saw some other person other than Leroy Blackwelder.

It is important to note that Blackwelder was trying to point out to the trial court that Sheriff Isom first said, in his office, to Leroy Blackwelder and Dorothy Ford, that he saw Blackwelder on the south side of Goose Creek with a gun. The important point is that the Court refused to consider this fact. Blackwelder could see that the Court did not want to get the point and the Court kept saying that the sheriff had testified that he could not see whether Blackwelder had a gun or not. However, the fact still remains that Dorothy Ford's testimony nails Isom down with the fact

that he first told Dorothy Ford and Leroy Blackwelder, on January 6, 1986, that Blackwelder did have a gun, and this proves mistaken identity. Isom keeps changing his story throughout the case.

There are many inconsistencies and contradictions in the things that Sheriff Isom said. For example, Sheriff Isom said that Dorothy Ford was coming back east when Deputy Sheriff Shellhammer stopped her on Route 733 just after she had passed Sheriff Isom's driveway at 4:20 P.M. on January 4, 1986. Sheriff Shellhammer and Dorothy Ford both said that Dorothy was going west on 733 and Deputy Shellhammer was going east, and that Dorothy and Shellhammer had been talking about 5 minutes when Sheriff Isom drove up behind Dorothy's car. Sheriff Isom said just the reverse and that he walked out of the woods to Dorothy's car instead of driving up.

## REASONS FOR GRANTING THE WRIT

A. The evidence adduced against

Petitioner was insufficient to sustain a conviction beyond a reasonable doubt because Sheriff Isom first said that the person he saw across Goose Creek had a gun. After Dorothy Ford spoke up and told him that Petitioner's gun was in the trunk of her car Sheriff Isom changed and said he could not tell whether the Petitioner had a gun. The trial court did not grasp the significance of this point, that the person that Sheriff Isom saw had a gun and Leroy Blackwelder was carrying a deer.

B. The Trial Court's decision not to permit Petitioner to show where Sheriff Isom was not telling the truth caused confusion and the Court failed to understand the points that Petitioner was trying to make. Example, Petitioner showed the Court that Dorothy Ford passed Sheriff Isom in his driveway at 4:20 P.M. and drove about 250 yards west of Sheriff Isom's driveway where she was stopped by Deputy Sheriff Shellhammer. About 5 minutes later Sheriff Isom drove up behind Dorothy Ford's car and got out to talk to her. Petitioner was

showing the Court that Sheriff Isom had testified that he went into the woods with his rifle after Dorothy Ford passed him in his driveway and looked through the scope of his rifle and saw Leroy Blackwelder. Then Sheriff Isom said he went back and put his rifle in the trunk of his car, then Sheriff Isom went back into the woods again to watch Leroy Blackwelder on the other side of the creek. Then Sheriff Isom walked back out to the road and talked to a Mr. Lee, then Sheriff Isom went back into the woods again and sat behind a tree for 10 minutes watching Leroy Blackwelder, then he said he hollered at Leroy Blackwelder, then he said that he saw Deputy Sheriff Shellhammer stop Dorothy Ford on Route 733 and Dorothy Ford was coming back east at that time. And then, Sheriff Isom said that he walked up to Dorothy Ford's car from the woods and started talking to her. Petitioner was questioning Sheriff Isom in a way that was to show the Court that Sheriff Isom could not have done all the things he said he did in the short period of time of

about 5 minutes that Shellhammer was talking to Dorothy Ford. You see, it took about 35-45 minutes for Sheriff Isom to do all the things he said he did between the time Dorothy Ford passed him and the time that he drove up to Dorothy Ford to talk to her. Petitioner was trying to show the Court the inconsistencies here, but the Court replied that they were going in different directions -- Dorothy Ford and Shellhammer, and it didn't make any difference.

Well, it did make a difference, because if Dorothy Ford had just passed Isom's driveway, and about 5 minutes later when she was talking to Deputy Sheriff Shellhammer, Sheriff Isom drove up behind her. That kicks out all of Sheriff Isom's testimony about seeing your Petitioner on the south side of Goose Creek and so forth, because you can't compact 35-45 minutes into 5 minutes time. And the Judge should have drawn the conclusion that there was something very wrong with Sheriff Isom's testimony and the Court should have

tried to help your Petitioner get the truth out instead of frustrating him. But the facts are still there and a careful reading of the transcript will make it clear. (See pages 59 and 60)

This case is hard to follow because there are so many errors in the transcript by the typist...there are so many false statements by Sheriff Isom...there are so many objections by the Commonwealth and the Court which disrupted Petitioner's train of thought and effort to prove that the events could not have been as Sheriff Isom said. However, Sheriff Isom's testimony conflicts with Dorothy Ford's testimony and Deputy Sheriff Shellhammer's testimony. On page 88 Shellhammer said that Dorothy had already passed Isom's driveway headed away from Route 15 which is west. On page 112 Petitioner asked Dorothy Ford if she remembered which way Sheriff Isom said she was headed. Dorothy replied, "Well, he did...he made a mistake. I was headed west and Mr. Shellhammer was headed east." Petitioner asked

what did Sheriff Isom say? Dorothy replied, "Just the reverse."

Blackwelder said: "Let me ask you these questions. Did Sheriff Isom tell Dorothy Ford that he saw Leroy Blackwelder trespassing on his property?"

Deputy Sheriff Shellhammer said: "Yes, sir, I believe so, yes."

Blackwelder said: "And that Blackwelder was going to jail on this one?"

Deputy Sheriff Shellhammer said: "I don't believe the word jail was used but I know that the word arrest was used. That he was going to be arrested for trespassing."

This should constitute a reasonable doubt about Sheriff Isom's testimony.

COMMENT: If Sheriff Isom saw Leroy Blackwelder on <u>his</u> property why didn't he arrest Blackwelder on the spot at that time? Why did Sheriff Isom change his mind on January 6, 1986 in his office and make the charge for trespassing on <u>Paul Finner's</u> land instead of his. It all shows inconsistency.

If you think about it, what Sheriff Isom is doing here, you come to the conclusion that he is making up a case against Blackwelder as he goes along. Remember that Deputy Sheriff Shellhammer testified on page 91 of the transcript that Sheriff Isom did tell Dorothy Ford that he saw Blackwelder trespassing on his property. Dorothy Ford also testified that Sheriff Isom said he was going to charge Blackwelder with trespassing on his property, but when he called Paul Finner Monday morning, January 6, 1986, he got Paul Finner to make the charge for trespassing on Finner's land.

You see what I'm trying to say is that Sheriff Isom said Edna Cross saw me on her land and chased me off down to Isom's land. Then Isom told Dorothy that he saw me trespassing on his land, then Isom said he saw me trespassing on Paul Finner's land, so I don't know exactly how to say it to you, but this is all so unreal because he didn't see me trespassing on anybody's land.

On pages 64 through 76 Blackwelder

impeached Sheriff John Isom and the Commonwealth Attorney and Judge were interrupting and trying to help Sheriff Isom.

## CONCLUSION

The very fact that Sheriff Isom was standing where his driveway enters Route 733 at 4:20 P.M. on January 4, 1986, with a walkie-talkie radio in his hand when Dorothy Ford drove by going west, shows that Sheriff Isom was organized and prepared to find some way to charge Petitioner with trespassing on somebody's land. Also Sheriff Isom had Deputy Sheriff Shellhammer there going up and down Route 733 looking for your Petitioner. Also Sheriff Isom had Edna Cross and another woman following Dorothy Ford up and down Route 733 trying to find Petitioner coming out of the woods somewhere along Route 733. Also the fact that Sheriff Isom gave hearsay testimony saying that Edna Cross saw Petitioner getting out of Dorothy Ford's car at about 4:00 P.M. on January 4, 1986 to go hunting, shows clearly

that Sheriff Isom is giving all kinds of false, mixed up, conflicting, inconsistent testimony that cannot be reconciled with the truth of the matter. It's all through the transcript and it is very frustrating to try to explain this to the courts because it's hard to follow, and the courts naturally want to believe the sheriff. But in this case a detailed study of the transcript will show without doubt that Sheriff Isom was falsifying under oath with premeditation, and man's law and God's law is, "Thou shalt not bear false witness against thy neighbor."

Petitioner's humble opinion is that the Supreme Court of the United States might do a little good to our country and our people if it would reaffirm this basic principle, "Thou shalt not bear false witness against thy neighbor."

**DOROTHY FORD TESTIMONY - April 9, 1986**

January 4, 1986 - 3:30 P.M.

"As I was driving east on Route 733

towards Route 15 I saw two women in a jeep come down Sheriff Isom's driveway and go east toward Route 15 in front of me. A few minutes later these same women passed me going west. I continued east toward Route 15 and stopped about a mile down the road where there is a group of mailboxes, and where I could park. I was there 20 or 30 minutes, and during this time the women passed me twice. From there I drove Route 733 to the west, past Sheriff Isom's driveway for about a mile and stopped at a driveway into the woods. While there, the same two women passed me twice -- once going west and then back east. They were smiling.

"I drove east and again parked in the mailbox area for about 20 minutes. Then I drove Route 733 west and noticed a man standing in Sheriff Isom's driveway with a walkie-talkie. I passed and continued for about 250 yards and stopped to let an approaching car pass -- the road is narrow. The car stopped beside mine and Deputy Sheriff Shellhammer identified himself, asked my name, asked to see

my driver's license, asked if I knew Leroy Blackwelder and if I was there to pick him up. I responded to his questions. Our conversation lasted no more than 5 minutes before Sheriff Isom drove up behind my car and identified himself.

"Sheriff Isom said he had seen Mr. Blackwelder across the creek and he was going to jail on this one. I asked him what this was all about, and said Mr. Blackwelder was doing no wrong. I asked who was making a charge against Mr. Blackwelder. Sheriff Isom said that he was. I also asked what the charge was for. He said for trespassing on his property. I told him that Mr. Blackwelder had permission to cross the land of a Mr. Shaw to get to the creek. Mr. Isom said that if Mr. Blackwelder crossed the creek where he saw him attempting to cross, Mr. Blackwelder would be on his land. I said all the false charges made by Mrs. Lower probably had something to do with this incident. Mr. Isom said he was not going to run after Mr. Blackwelder, he was going home,

and he told Sheriff Shellhammer to get all the necessary information. He also said I was to bring Mr. Blackwelder to Leesburg on Monday morning, January 6, 1986, to face these charges of trespassing on his land.

"After Sheriff Isom left, Mr. Shellhammer told me that if I did locate Mr. Blackwelder that day, not to contact Sheriff Isom until Monday -- 'Give him time to cool down.' (See pages 103 through 106)

"Mr. Shellhammer followed me on Route 733, and when I approached Route 15 he stopped me with his flashing lights and asked where I was going. I said to Leesburg to get some gas. I continued to look for Mr. Blackwelder until 11:30 P.M. when I went to the jail. Shellhammer told me that Mr. Blackwelder was not there. I returned to Route 733 and was there until 3:00 A.M. I could not locate Mr. Blackwelder so I returned to my home in Arlington."

January 6, 1986

"I took Mr. Blackwelder to Sheriff Isom's

office on Monday, January 6, 1986 as he had requested. The Sheriff said he had just been talking to Mr. Finner who was going to make the charge against Mr. Blackwelder for trespassing on his land. Mr. Blackwelder asked him why he had changed his position and he said he was not going to say.

"Sheriff Isom then said that he saw Blackwelder on the other side of the creek looking for a place to cross and Mr. Blackwelder had a gun. I interrupted and said, "Let me answer that. Mr. Blackwelder did not have a gun. His gun was in the trunk of my car. I opened the trunk that morning myself and Mr. Blackwelder put his gun in the trunk of my car."

"Sheriff Isom said it was the opinion of everybody around Leesburg that Mr. Blackwelder was a low-life common criminal, the worst there could ever be. He obeyed no laws whatsoever. He couldn't get any rest on his days off. He had been getting between 12 and 15 complaint calls a day against Mr. Blackwelder. Mrs. Isom

was scared to death, they were thinking about selling their new home along Goose Creek.

Sheriff Isom then told Mr. Blackwelder that he could find other places in Loudoun County to hunt other than along Goose Creek. Mr. Blackwelder did not reply."

I certify that these statements are true.

Dorothy W. Ford

(See pages 108 and 109. This proves mistaken identity. Significantly Sheriff Isom said, after this moment in his office, that he could not tell if Leroy J. Blackwelder had a gun or not. Also, Sheriff Isom looked at Blackwelder and shrugged his shoulders in a way that made Blackwelder think that Sheriff Isom had doubts himself about whether he saw Blackwelder because Dorothy had just convinced him that Blackwelder's gun was in the trunk of her car, if you understand what I'm trying to say here. This proves the case that Sheriff Isom did not see Blackwelder, he saw some person with a gun. Blackwelder had a deer.)

My only regret is that Dorothy Ford died on January 1, 1987 at the age of 75, grieving over Sheriff Isom changing his testimony and saying things which Dorothy knew to be untrue.

If you look at the whole picture, the sentence -- a year in jail, a $1,000 fine, 10 years probation, the gang-up of the Commonwealth, there is no escaping the conclusion that there is a whole lot more than trespassing involved in this case; such as Sharon Lower arresting Petitioner for trespassing on December 29, 1979; the Commonwealth and Sharon Lower arresting Petitioner for trespassing on November 5, 1981; the Commonwealth and Sharon Lower arresting Petitioner for trespassing on November 25, 1983, and Sharon Lower arresting Petitioner for trespassing on November 19, 1984. On every one of these cases Petitioner was found NOT GUILTY. Also, Judge Alexander issued an order on August 14th of 1980 telling Sharon Lower to stop arresting Leroy Blackwelder unless he was on

her property. Sharon Lower did not obey that order and the Commonwealth of Virginia expunged that order on September 30, 1980 without telling Leroy Blackwelder; which was a shock to Blackwelder because he had good intent and was trying to put a stop to all these false arrests against him. Therefore, the Commonwealth of Virginia is primarily responsible for all the false arrests that have been made against Blackwelder over the past 10 years. Blackwelder is aware that such courageous talk against the Commonwealth will only cause more arrests as it has in the past -- Blackwelder is simply telling it like it is, believe it or not.

Petitioner does not think there's really any real malice in this case because all the judges, all the sheriffs, clerks, and so forth, in Leesburg know that Petitioner has a wonderful sense of humor and good spirit in dealing with his fellow man. Therefore, in the spirit of understanding and good will to all, Petitioner mentions these facts for the purpose

of letting the Supreme Court of the United States, in its wisdom, make the final decision as to what's to be done with the Petitioner who is now 74 years old and will be 75 on August 29, 1988, and has never had an operation, never had a disease, never had an accident with a car; his driving record is as good as can be, hasn't had a tooth decayed or filled in 52 years, has no enemies, no bad habits, is a 1936 graduate of Davidson College, and thinks that the world is a wonderful place to live or is going crazy as hell, depending on how you look at it.

Blackwelder wants his ashes to be scattered along Goose Creek where the morning breeze brings the bark of the squirrel, the snort of the deer, and the gobble, gobble, gobble of the wild turkey. No more heaven does he need.

ISOM'S TESTIMONY

DIRECT EXAMINATION BY

COMMONWEALTH ATTORNEY BURCH:

Commonwealth Attorney Burch asked Isom to relate the circumstances. Sheriff Isom said, "At about 4:15 hours, my wife coming home was stopped by a neighbor at the end of our driveway, and she informed my wife that they had just saw Mr. Blackwelder try to get out on their property and go hunting. This was a neighbor talking (Edna Cross). The neighbor said that her husband had set close to Mr. Blackwelder until he left the area. He said that Mr. Blackwelder was no longer in Mrs. Ford's green Chevrolet, and that she assumed that Mr. Blackwelder had been dropped off and was now hunting across Goose Creek.

This was at...as I say at 4:15 P.M.; at 4:25 P.M. I drove down to the bottom of the hill and talked to this same neighbor, and she restated kind of what she had been telling my wife. At 4:28 hours that day I walked into the woods on my side of the creek, on the north side of the creek, and carried with me the only thing I had with magnification, which is my rifle which had been in the trunk of the car.

It had a leaphole three to nine scope on it; there was nothing to be seen on the woods on the other side and I was just...I had plopped down against the tree and was sitting up across the other side of Goose Creek up the old...in the area where the old wagon road was at.

That's when I next saw Mr. Blackwelder. He walked up out of the...out of the old wagon road on the south side of Goose Creek directly into the telescope.

The point that Petitioner is making here is that Commonwealth Attorney Burch and Judge Penn just sat there and listened as Sheriff Isom gave all this hearsay testimony about a neighbor, Edna Cross, and her husband seeing Leroy Blackwelder get out of Dorothy Ford's car to go hunting at about 4:00 P.M. on January 4, 1986.

You see, Dorothy Ford let Petitioner out at about 1:00 P.M. to go into the woods to help a hunter get his deer out of the woods that he shot the day before, and Petitioner did not get back to Goose Creek with the deer until about

5:15 P.M. So therefore, all this testimony is either made up by Sheriff Isom or Edna Cross. Because Petitioner absolutely, positively was not riding in the car with Dorothy Ford at 4:00 P.M. and getting out to go hunting. Dorothy was there to pick up Petitioner at that time, not let him out, and I don't see why I can't get the courts to understand that. It looks like Sheriff Isom made this up himself to make the Court think that the reason he was there was because Edna Cross told him that she had seen Petitioner at 4:00 P.M., or thereabouts.

On page 31 and 32, Sheriff Isom said, "Being alarmed that I had a rifle pointed at somebody, I quickly lowered the rifle just as soon as I saw the person, and turned and walked...put back in the trunk of my car, which was sitting on back up across Route 733.

"I started back down in the woods again in this same area, Your Honor, and started in a westerly direction along Goose Creek, angled back out to Route 733 where I had met the owner of the property who is on my west side, and had

some short conversation with this gentleman. Walked back into the woods again, and continued walking along Goose Creek, and could see Mr. Blackwelder walking in a westerly direction along the hillside on the south side of Goose Creek."

Q. (Burch) "How far away do you think you were from him?"

A. (Isom) "At that point he was probably 100 yards."

On page 33 Sheriff Isom said, "I stood there about five or ten minutes, and...and just...it kind of...it didn't seem like it was going to accomplish anything. I hollered across at Mr. Blackwelder that he could stay all night if he wanted to; when he came across he was going to be under arrest for trespassing. And shortly after I said that they got up and went up the hill to get his car."

COMMENT: In the District Court Sheriff Isom testified that he did not speak to Petitioner on January 4, 1986, but in this testimony he

testified that he did speak to your Petitioner. Petitioner has talked to the Clerk of the District Court, the Commonwealth Attorney who tried the case in the District Court, and the Court appointed attorney who was taking notes while Petitioner tried his case in the District Court and Dorothy Ford and Leroy Blackwelder all remember that Sheriff Isom testified in the District Court that he did not speak to Petitioner on January 4, 1986. But in the Circuit Court he testified that he hollered to Petitioner and told him he could stay all night if he wanted to, but when he came across he was going to be under arrest for trespassing. Also, there is no road on the south side of Goose Creek at this location. And it is obvious that Petitioner did not have his car there as Isom testified. Petitioner was riding with Dorothy Ford if you remember.

On page 37 and 38 Sheriff Isom said, "Yes sir, there was. We...I told Mr. Blackwelder I had spoken with Finner and that he was going to be charged with trespassing. He went into, in

asking for an explanation, if they...if he were...what he was doing and so forth. He told me that he went into...he went into a lengthy speech, and told me that he did not obey man's laws; he only obeyed nature's laws. He had been getting wild berries and fish and fowl for many years, and hunting on that property for many years, and did not feel like he did not have to obey any of man's laws, and was going to continue to do so.

Q. (Burch) Do what?

A. (Isom) He was going to hunt and gather his wild food.

Q. (Burch) What land was he referring to in that conversation?

A. (Isom) I got the impression he...he was going to go anywhere he wanted to, Paul Finner's land, my land, or anyone else's land.

COMMENT: When Petitioner first read this he wrote in the margin of the transcript, "Isom had his Irish up! Oh, well -- such a lie."

CROSS EXAMINATION OF SHERIFF ISOM

BY LEROY BLACKWELDER:

On pages 40, 41, and 42, Sheriff Isom said that he had more than one meeting with Petitioner, but that is absolutely untrue. There was only one meeting. Sheriff Isom said, "You have...there'd been some charges made against you by various people, Oatlands, and Mrs. Emmett, I believe, or her manager at Oatlands, and Sharon Lower, the Lockers, Jim Cross, other people out along 733, and you were upset that you had been charged with trespassing or run off of their property and so forth, and you were complaining about it."

Q. (Blackwelder) Now, on out east is Emmett's land, Oatlands you say. And I understood you to say the manager made a complaint against me. Is that correct?

A. (Isom) I am recalling what we...what you said.

Mr. Burch: Your Honor, I think what the Sheriff has done is relate the general substance of the conversation in response to

Mr. Blackwelder's question. The details I would submit are not relevant to this particular prosecution, even the prior charges would not have been, other than being brought out by Mr. Blackwelder.

The Court: Response to the objection?

Mr. Blackwelder: My response to the objection, Your Honor, is that I can prove that the statements are not true, not only this one but another one.

The Court: What statements?

Mr. Blackwelder: The statement he just made right there.

The Court: You've gone into another area concerning the details of another alleged offense.

Mr. Blackwelder: Well, Your Honor...

The Court: Let me finish my ruling, Mr. Blackwelder. The Court must look to the facts of this case. If you wish to ask questions by way of impeachment of the testimony given by this witness, you may do so, but you may do it in a proper manner, not by going into the

details of some other alleged offense. I sustain the objection.

Mr. Blackwelder: Well, can I ask him a question?

The Court: Certainly, you may cross examine within the rules of evidence, Mr. Blackwelder.

Mr. Blackwelder: Well, Your Honor...

The Court: What I'm trying to do is to adhere to the established rules of evidence for the trial of this case.

Mr. Blackwelder: I agree with you. All I'm trying to do is...is...is prove to the Court that he is not telling the truth.

The Court: Well, we're not going to stand here and hear accusations of that sort.

Page 43, center, Mr. Blackwelder: Can I point out when I'm on the witness stand the things that he says that are not true?

COMMENT: The above testimony shows clearly that your Petitioner was trying to show the Court that Sheriff Isom was not telling the truth in this case, and the Court and the Commonwealth Attorney were trying to evade the

fact that Sheriff Isom was not telling the truth. The Judge bristled and tried to intimidate Petitioner when he said, "Well, we're not going to stand here and hear accusations of that sort."

On page 75 Sheriff Isom said, "I told you neighbors up and down Goose Creek thought you were a trespasser of the worst type; a game violator who had no respect for anybody's laws whatsoever; you trespassed where you wanted to do...wanted to go, and had been doing so for years, and had abused everybody's property in that area. I said they had a very low opinion of you; thought you were the height of all criminals running loose in the woods. And that was in response to a question you asked me; I didn't volunteer that."

COMMENT: Petitioner wrote in the margin of the transcript when he first read this, "A fat lie."

On page 76:

Q. Blackwelder: "Did you testify...did you say then and there that I'd disrupted your whole

life?

A. Isom: I...again, in response to a question you asked me, I told you I'd had numerous complaints about you from citizens up and down Route 733, that you were being a disrupting factor in mine and my wife's life, and that she was extremely scared of you being down in the woods with a gun shooting indiscriminately. And that's what I told you; something to that effect, rather.

COMMENT: This shows the tone and mentality of Sheriff Isom. The statement is false.

Page 77:

Q. Blackwelder: "Did you say that I could find other places in Loudoun County to hunt besides Goose Creek?"

A. Isom: "I did indeed."

COMMENT: This is really the motive behind the Commonwealth's action. They have been trying to chase Leroy Blackwelder away from places that he has a right to hunt and fish. And that's the cause for all these arrests and attempts to intimidate with this criminal

misuse of the law.

Respectfully submitted,

Leroy J. Blackwelder

Leroy J. Blackwelder, Pro Se
1030 S. Barton Street., #282
Arlington, VA 22204
Tel. 703/920-7137

## CERTIFICATE OF SERVICE

I, Leroy J. Blackwelder, certify that on this date, July ~~15~~ 19, 1988 that I mailed 3 copies of this booklet to Commonwealth Attorney William Burch to his address, P.O. Box 727, Leesburg, Virginia 22075.

Leroy J. Blackwel

# APPENDIX

VIRGINIA: IN THE CIRCUIT COURT OF LOUDOUN COUNTY

COMMONWEALTH OF VIRGINIA :

VS. : CRIMINAL NO. 4984

LEROY J. BLACKWELDER :

ORDER

The 8th day of April, 1986, came an Attorney for the Commonwealth, and also came the defendant, Leroy J. Blackwelder, who stands charged in a warrant with a misdemeanor, to-wit: trespass, and who appeared in Court according to the conditions of his recognizance. The defendant was duly arraigned and entered a plea of not guilty to the said charge contained in the warrant, which plea was tendered by the defendant in person. The Court, after inquiring and being of the opinion that the accused fully understood the nature and effect of his said plea and of the penalties that may be imposed upon his conviction, doth accept said pleas as being intelligently and voluntarily made.

The Commonwealth thereupon proceeded to

present evidence on its behalf and at 5:30 P.M., the Court recessed for the day and ORDERED that this case be continued to April 9, 1986, at 2:30 P.M., for further hearing.

On April 9, 1986, came again an Attorney for the Commonwealth and the defendant. The defendant moved the Court to hear a portion of his evidence this date and to continue this case to allow him to represent additional evidence, which motion was denied by the Court.

The defendant thereupon proceeded to present evidence on his behalf and upon conclusion thereof, and upon conclusion of all the evidence and argument presented, the Court doth find the defendant, Leroy J. Blackwelder, guilty of trespass, as charged in the said warrant.

And it being demanded of the defendant if anything he had or knew to say why judgment should not be pronounced against him according to law, and nothing being offered or alleged in delay of judgment, it is accordingly the judgment of this Court that the defendant,

Leroy J. Blackwelder, be and he is hereby sentenced to confinement in the jail of this Court for a period of twelve (12) months and amerced a fine of $1,000.00, and that he pay the costs of these proceedings in the amount of $45.00.

However, the Court did remit the payment of the aforesaid fine and suspend eleven (11) months of the aforesaid twelve month jail sentence, upon the condition that he be guilty of no further trespass violations in Loudoun County, Virginia, for a period of ten (10) years from this date and forthwith pay the costs herein.

The defendant thereupon stated his intention to appeal his conviction to the Virginia Court of Appeals. The Court doth set an appeal bond in this case at $500.00, cash.

And the defendant is continued at liberty on bond pending the outcome of his appeal.

A COPY TESTE ENTER: 18th April 1986
F.R. HOWARD CLERK

_____
CARLETON PENN, JUDGE

VIRGINIA:

In the Court of Appeals of Virginia on Friday the 20th day of February, 1987.

Leroy J. Blackwelder, Appellant

against Record No. 0742-86-4
Circuit Court No.C-4984

Commonwealth of Virginia, Appellee

From the Circuit Court of Loudoun County

Before Judges Benton, Duff and Keenan

Upon review of the record in this case and consideration of the arguments submitted in support of the granting of an appeal, the panel is of opinion that the evidence was sufficient to support the conviction of trespassing. Accordingly, the petition for appeal is denied.

A Copy,

Teste:

David B. Beach, Clerk

By: A.A. Buriac (?)
Deputy Clerk

**VIRGINIA:**

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 30th day of November, 1987.

Leroy J. Blackwelder, Appellant

against Record No. 870484
Court of Appeals NO. 0742-86-4

Commonwealth of Virginia, Appellee

From the Court of Appeals of Virginia

Upon review of the record in this case and consideration of the argument submitted in support of the granting of an appeal, the Court refuses the petition for appeal.

Chief Justice Carrico took no part in the consideration of decision of this case.

A Copy,

Teste:

David B. Beach, Clerk

By: Deira A.R. Clem (?)
Deputy Clerk